

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	
v.	:	
	:	
CHAKA FATTAH, JR.	:	NO. 14-409

ORDER

AND NOW, this 30th day of January, 2015, it is hereby ORDERED that the motion of defendant Chaka Fattah, Jr. to dismiss Count Thirteen of the indictment for failure to state an offense and sufficiency (Doc. # 68) is DENIED.

Defendant Chaka Fattah, Jr. ("Fattah") has been indicted on twenty-three counts of fraud, theft, and tax-related offenses. In his instant motion Fattah seeks the dismissal of Count Thirteen for failure to state an offense and sufficiency.

In Count Thirteen the indictment charges Fattah with making false statements to obtain a personal line of credit from Philadelphia Federal Credit Union in violation of 18 U.S.C. § 1014. According to the indictment, "FATTAH claimed, among other things, that he had no outstanding loans other than those listed on his credit report, when he knew that he owed in excess of \$50,000 to United Bank. Also, in response to the Credit Union's questions concerning his income and debts, FATTAH lied about his monthly rent

and car payments to cause the Credit Union to view his application for a line of credit more favorably."

Fattah contends that Count Thirteen must be dismissed because it fails to state an offense and insufficiently apprises him of the subject matter about which he must prepare a defense. Having carefully reviewed his arguments and the language of the indictment, we conclude that Count Thirteen meets the standard for an indictment properly to state an offense. United States v. Bergrin, 650 F.3d 257, 264-65 (3d Cir. 2011). The indictment sufficiently notifies Fattah of the subject matter of the charge. See id. Consequently the motion of the defendant is being denied.

BY THE COURT:

/s/ Harvey Bartle III

J.